

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 2543
)	
MARILYN WELLS, D.O.)	STIPULATION AND CONSENT
Holder of License No. 2111 for the)	ORDER FOR PROBATION
practice of osteopathic medicine in the)	
State of Arizona.)	
_____)	

STIPULATION

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Marilyn Wells, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that she has read this Stipulation and the attached Consent Order; and, Respondent is aware of and understands the content of these documents.
2. Respondent understands that by entering into this Stipulation, she voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record which will be disseminated as a formal action of the Board.
5. Respondent admits to the statement of facts and conclusions of law contained in the Stipulated Consent Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, she may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first obtaining Board approval.

REVIEWED AND ACCEPTED this 7 day of August, 1999.

Marilyn Wells, D.O.
Marilyn Wells, D.O.

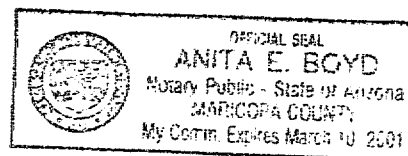
STATE OF ARIZONA)
) ss
County of Maricopa)

This instrument was acknowledged before me this 7 day of August, 1999 by the above-named individual.

Anita E. Boyd
Notary Public

My Commission expires:

March 10, 2001



REVIEWED AND SIGNED this 7th day of August, 1999 for the Board by:

Ann Marie Berger

Ann Marie Berger, Executive Director
Arizona Board of Osteopathic Examiners in Medicine
and Surgery

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	
)	
MARILYN WELLS, D.O.)	CONSENT ORDER FOR PROBATION
Holder of License No. 2111 for the)	OF LICENSE
practice of osteopathic medicine)	
in the State of Arizona.)	
_____)	

FINDINGS OF FACT

1. Respondent is a licensee of the Board and the holder of License No. 2111 for the practice of osteopathic medicine in the State of Arizona. Respondent's Board license is currently subject to a Board Order for Suspension of License dated November 23, 1998 and Respondent is licensed with the U.S. Drug Enforcement Agency ("DEA") to prescribe controlled substances.

2. Information was brought to the attention of the Board that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine.

3. On or about November 23, 1998, Respondent voluntarily entered into a Stipulation and Consent Order for Suspension of License.

4. On or about November 29, 1998, Respondent entered Springbrook Northwest program for treatment and rehabilitation of her substance abuse addiction.

5. On March 13, 1999, Respondent successfully completed the treatment program at Springbrook Northwest.

6. On June 19, 1999, The Board voted in a public meeting to authorize the Executive

Director to sign and issue a Stipulated Consent Order regarding Respondent which follows hereinafter.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.
2. The Board has the authority to enter into a stipulated order for final disposition of this case, pursuant to A.R.S. § 41-1061(D), A.R.S. § 32-1855 and A.R.S. § 32-1861(D).
3. The Respondent originally engaged in unprofessional conduct as defined in A.R.S. § 32-1854 by violating federal and state statutes and regulations concerning the use and/or possession of controlled substances.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Marilyn Wells, D.O. ("Respondent") is placed under **PROBATION** for five (5) years and shall comply with the terms and conditions of probation as set forth herein:
2. From the date of this Order, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by the Board. Respondent shall comply with the therapist recommendation for the frequency of therapy treatment sessions. Respondent shall inform the Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and, Respondent shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, she shall give the Board written notice within ten (10) days

of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions until she has submitted a written request to the Board and obtained Board approval.

3. Respondent's therapist(s) shall receive a copy of this Order and Board Staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a written progress report every month for the remainder of the probation; and Respondent, shall waive any confidentiality concerning her psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

4. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine; and, Respondent shall continue to make the aforementioned disclosure and provide copies of this Consent Order until the expiration of this Order.

5. Respondent will only engage in the practice of osteopathic medicine for twenty hours per week. Should Respondent wish to practice osteopathic medicine for more than twenty hours per week, she will need to make a written request to the Board. Once the Board receives Respondent's written request for additional hours to engage in the practice osteopathic medicine, they will meet in an open meeting and consider that request.

6. Respondent will not be allowed to prescribe any controlled substances for a minimum of one year. Respondent will not have prescription authority until the Board approves, upon written request of Respondent, reassumption of her prescription authority.

7. Respondent may have her license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future if:

- (A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,
- (B) There are new grounds for finding unprofessional conduct concerning Respondent; or,
- (C) Fails to comply fully with the terms and conditions of this Order.

8. Respondent shall abstain completely from the consumption of alcoholic beverages; and, Respondent shall not consume illicit drugs or take any controlled substances (i.e., prescription only drugs), unless such medication is prescribed for him by his treating physician. Respondent shall maintain a monthly log (for the duration of probation) of all prescription only drugs taken by her and such log shall include the following information:

- (a) the name of the medication;
- (b) name of prescribing physician;
- (c) reason for the medication.

At the first of each month, Respondent shall report by letter to the Board whether or not she is taking any prescription only medication and, if so, a copy of her log reflecting the above information.

9. Respondent shall also, as part of his probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic

notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

10. Respondent shall obtain a sponsor and participate in a minimum of two (2) self-help meetings per week through such organizations as A.A., N.A., S.A. or doctor's Caduceus group.

11. This Order shall supersede and replace all prior orders of the Board concerning Respondent.

12. In the event Respondent ceases to reside in Arizona, she shall give written notice to the Board of her new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to Arizona.

13. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

14. The Board's Executive Director shall send correspondence to the appropriate state and/or federal law enforcement agency disclosing information in the Board's possession which may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances and obtaining controlled substances illegally.

15. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26).

16. Respondent will reimburse the Board for all expenses directly incurred in connection with the investigation, hearing and continuing monitoring of this matter within thirty (30) days of receipt of the bill/statement of costs from the Board's Executive Director.

EFFECTIVE this 7th day of August 1999.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Ann Marie Berger
Ann Marie Berger, Executive Director
9535 E. Doubletree Ranch Road
Scottsdale, Arizona 85258
Telephone: (602) 657-7703 (ext. 22)

Served by personal service or
sending U.S. certified mail
this 7th day of August, 1999 to:

Marilyn Wells, D.O.
2138 E. Gelding Dr.
Phoenix AZ 85022

Robert Bohm, Esq.
2633 E. Indian School, Suite 125
Phoenix AZ 85016

Copy mailed this 7th day of August, 1998
to:

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007 (w/enclosure)

Arizona Board of Pharmacy
5060 N. 19th Ave., Suite 101
Phoenix AZ 85015 (w/enclosure)

Drug Enforcement Administration
Attention: Diversion Section
3010 N. 2nd St
Phoenix AZ 85012 (w/enclosure)

Ann Marie Berger